



General Assembly

January Session, 2009

***Raised Bill No. 6696***

LCO No. 4827

\*04827\_\_\_\_\_GAE\*

Referred to Committee on Government Administration and Elections

Introduced by:  
(GAE)

***AN ACT CONCERNING MUNICIPAL ETHICS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1       Section 1. (NEW) (*Effective October 1, 2009*) As used in sections 1 to 6,  
2       inclusive, of this act:

3       (1) "Business" means any entity through which business for profit or  
4       not-for-profit is conducted, including a corporation, partnership,  
5       proprietorship, firm, enterprise, franchise, association, organization or  
6       self-employed individual.

7       (2) "Business with which he is associated" means any sole  
8       proprietorship, partnership, firm, corporation, trust or other entity  
9       through which business for profit or not-for-profit is conducted of  
10      which the public employee or public official or member of his or her  
11      immediate family is a director, officer, owner, limited or general  
12      partner, beneficiary of a trust or holder of stock constituting five per  
13      cent or more of the total outstanding stock of any class, provided a  
14      public employee or public official or member of his or her immediate  
15      family shall not be deemed to be associated with a not-for-profit entity

16 solely by virtue of the fact that the public employee or public official or  
17 member of his or her immediate family is an unpaid director or officer  
18 of the not-for-profit entity. As used in this subdivision, "officer" refers  
19 only to the president, executive or senior vice president or treasurer of  
20 such business.

21 (3) "Confidential information" means information, whether  
22 transmitted orally or in writing, that is obtained by reason of the public  
23 position or office held and is of such nature that it is not, at the time of  
24 transmission, a matter of public record or public knowledge.

25 (4) "Financial interest" means any interest with a monetary value of  
26 one hundred dollars or more or that generates a financial gain or loss  
27 of one hundred dollars or more per person in a calendar year.

28 (5) "Gift" means anything of value, including entertainment, food,  
29 beverage, travel and lodging given or paid to a public official or public  
30 employee to the extent that consideration of equal or greater value is  
31 not received. A gift does not include:

32 (A) A political contribution otherwise reported as required by law  
33 or a donation or payment as described in subdivision (9) or (10) of  
34 subsection (b) of section 9-601a of the general statutes;

35 (B) Services provided by persons volunteering their time, if  
36 provided to aid or promote the success or defeat of any political party,  
37 any candidate or candidates for public office or the position of  
38 convention delegate or town committee member or any referendum  
39 question;

40 (C) A commercially reasonable loan made on terms not more  
41 favorable than loans made in the ordinary course of business;

42 (D) A gift received from (i) an individual's spouse, fiance or fiancée,  
43 (ii) the parent, brother or sister of such spouse or such individual, or  
44 (iii) the child of such individual or the spouse of such child;

45 (E) Goods or services that are provided to the municipality and  
46 facilitate governmental action or functions;

47 (F) A certificate, plaque or other ceremonial award costing less than  
48 one hundred dollars;

49 (G) A rebate, discount or promotional item available to the general  
50 public;

51 (H) Printed or recorded informational material germane to  
52 governmental actions or functions;

53 (I) An honorary degree bestowed upon a public official or public  
54 employee by a public or private university or college;

55 (J) A meal provided at an event or the registration or entrance fee to  
56 attend such an event, in which the public employee or public official  
57 participates in his or her official capacity;

58 (K) A meal provided in the home by an individual who resides in  
59 the municipality;

60 (L) A gift, including, but not limited to, food or beverage, or both,  
61 provided by an individual for the celebration of a major life event such  
62 as the birth or adoption of a child, a wedding, a confirmation or a bar  
63 or bat mitzvah and a funeral, provided any such gift provided by an  
64 individual who is not a member of the family of the recipient shall not  
65 exceed two hundred fifty dollars. As used in this subparagraph, "major  
66 life event" shall not include any event that occurs on an annual basis  
67 such as an anniversary except personal gifts of up to twenty-five  
68 dollars per occasion, aggregating no more than fifty dollars per  
69 recipient in a calendar year, shall be permitted to a minor incident to a  
70 birthday or other traditional gift-giving occasion such as Christmas or  
71 Chanukah;

72 (M) Anything of value provided by an employer of (i) a public  
73 official, (ii) a public employee, or (iii) a spouse of a public official or

74 public employee, to such official, employee or spouse, provided such  
75 benefits are customarily and ordinarily provided to others in similar  
76 circumstances;

77 (N) Anything having a value of not more than ten dollars, provided  
78 the aggregate value of all things provided by a donor to a recipient  
79 under this subparagraph in any calendar year shall not exceed fifty  
80 dollars; or

81 (O) Training that is provided by a vendor for a product purchased  
82 by a municipality that is offered to all customers of such vendor.

83 (6) "Immediate family" means any spouse, child or dependent  
84 relative who resides in the individual's household.

85 (7) "Individual" means a natural person.

86 (8) "Individual with whom one is associated" means an individual  
87 with whom the person or a member of his or her immediate family  
88 mutually has an interest in any business.

89 (9) "Official responsibility" means the direct administrative or  
90 operating authority, whether intermediate or final and whether  
91 exercisable personally or through subordinates, to approve,  
92 disapprove or otherwise direct government action.

93 (10) "Municipality" means any town, city, borough, consolidated  
94 town and city, consolidated town and borough and includes any  
95 special district contained therein.

96 (11) "Person" means an individual, sole proprietorship, trust,  
97 corporation, limited liability company, union, association, firm,  
98 partnership, committee, club or other organization or group of  
99 persons.

100 (12) "Personal interest" means an interest in any action taken by the  
101 municipality in which an individual will derive a nonfinancial benefit

102 or detriment but which will result in the expenditure of municipal  
103 funds.

104 (13) "Public employee" means a person employed, whether part  
105 time or full time, by the municipality or a political subdivision thereof.

106 (14) "Public official" means an elected or appointed official, whether  
107 paid or unpaid or part time or full time, of a municipality or political  
108 subdivision thereof, including candidates for the office and includes a  
109 district officer elected pursuant to section 7-327 of the general statutes.

110 (15) "Special district" means a district established pursuant to  
111 section 7-324 of the general statutes.

112 (16) "Trust" means a trust in which any public official or public  
113 employee or member of his or her immediate family has a present or  
114 future interest that exceeds ten per cent of the value of the trust or that  
115 exceeds fifty thousand dollars, whichever is less, but shall not include  
116 blind trusts.

117 Sec. 2. (NEW) (*Effective October 1, 2009*) (a) Notwithstanding the  
118 provisions of any special act, municipal charter or ordinance, not later  
119 than October 1, 2010, each municipality shall adopt a code of ethical  
120 conduct for its public officials, public employees and paid consultants.  
121 Each such code of ethical conduct shall include the provisions set forth  
122 in sections 3 to 5, inclusive, of this act or stricter ethical provisions for  
123 such public officials, public employees and paid consultants.

124 (b) Any municipality or district that adopted a code of ethical  
125 conduct before October 1, 2010, shall not be required to adopt a new  
126 code of ethical conduct under subsection (a) of this section provided  
127 such existing code of ethical conduct includes the provisions set forth  
128 in sections 3 to 5, inclusive, of this act or stricter ethical provisions for  
129 such municipality's or district's public officials, public employees and  
130 paid consultants. If such existing code of ethical conduct does not  
131 contain such provisions, or stricter ethical provisions, such

132 municipality shall, not later than October 1, 2010, amend its code of  
133 ethical conduct to include the provisions set forth in sections 3 to 5,  
134 inclusive, of this act or stricter ethical provisions.

135       Sec. 3. (NEW) (*Effective October 1, 2009*) Each code of ethical conduct  
136 adopted by a municipality pursuant to subsection (a) of section 2 of  
137 this act shall include the following or stricter provisions for such  
138 municipality's public officials and public employees:

139       (1) No public employee or public official shall engage in or  
140 participate in any business or transaction, including outside  
141 employment with a private business, or have an interest, direct or  
142 indirect, that is incompatible with the proper discharge of his or her  
143 official responsibilities in the public interest or that would tend to  
144 impair his or her independent judgment or action in the performance  
145 of his or her official responsibilities.

146       (2) (A) No public employee or public official shall solicit or accept  
147 any gift from any person who, to his or her knowledge, is interested in  
148 any pending matter within such individual's official responsibility.

149       (B) If a prohibited gift is offered, he or she must refuse it, return it,  
150 pay the donor the market value of the gift or donate it to a nonprofit  
151 organization provided he or she does not take the corresponding tax  
152 write-off. Alternatively, such prohibited gift may be considered a gift  
153 to the municipality provided it remains in the municipality's  
154 possession permanently.

155       (3) (A) A public employee or public official shall refrain from voting  
156 upon or otherwise participating in any matter on behalf of the  
157 municipality if he or she, a business with which he or she is associated,  
158 an individual with which he or she is associated or a member of his or  
159 her immediate family has a financial or personal interest in the  
160 transaction or contract, including, but not limited to, the sale of real  
161 estate, material, supplies or services to the municipality.

162 (B) If such participation is within the scope of the public employee's  
163 or public official's official responsibility, he or she shall be required to  
164 provide written disclosure, that sets forth in detail the nature and  
165 extent of such interest, to the town clerk.

166 (C) Notwithstanding the prohibition in subparagraph (A) of this  
167 subdivision, a public employee or public official may vote or otherwise  
168 participate in a matter that involves a determination of general policy  
169 if the employee's or official's interest in the matter is shared with a  
170 substantial segment of the population of the municipality.

171 (4) (A) Except for a public official who receives no compensation for  
172 his or her service to the municipality, other than per diem payments  
173 and reimbursement of expenses, no public employee or public official  
174 shall appear on behalf of private interests before any board agency or  
175 committee of the municipality.

176 (B) Except for a public official who receives no compensation for his  
177 or her service to the municipality, other than per diem payments and  
178 reimbursement of expenses, no public employee or public official shall  
179 represent private interests against the interest of the municipality in  
180 any litigation to which the municipality is a party.

181 (5) Nothing contained in this code shall prohibit or restrict a public  
182 employee or public official from appearing before any board or  
183 commission of the municipality on his or her own behalf, or from  
184 being a party in any action, proceeding or litigation brought by or  
185 against such public employee or public official to which the  
186 municipality is a party.

187 (6) No public employee or public official shall disclose confidential  
188 information concerning municipal affairs, nor shall such public  
189 employee or public official use such information for the financial  
190 interests of himself or herself or others.

191 (7) No public employee or public official shall request or permit the

192 use of municipally-owned vehicles, equipment, facilities, materials or  
193 property for personal convenience or profit, except when such are  
194 available to the public generally or are provided as municipal policy  
195 for the use of such public employee or public official in the conduct of  
196 official business.

197 (8) No public employee or public official, or a business with which  
198 he or she is associated or member of his or her immediate family shall  
199 enter into a contract with the municipality unless it is awarded  
200 through a process of public notice and competitive bidding.

201 (9) No public employee or public official shall use his or her position  
202 or office for the financial benefit of himself or herself, a business with  
203 which he is associated, an individual with which he or she is  
204 associated or a member of his or her immediate family.

205 (10) No public employee or public official shall accept a fee or  
206 honorarium for an article, appearance or speech or for participation at  
207 an event in his or her official capacity.

208 (11) No public employee or public official or member of such  
209 individual's immediate family or business with which he is associated  
210 shall solicit or accept anything of value, including, but not limited to, a  
211 gift, loan, political contribution, reward or promise of future  
212 employment based on any understanding that the vote, official action  
213 or judgment of the public employee or public official would be or had  
214 been influenced thereby.

215 (12) No person shall offer or give to a public employee or public  
216 official or member of such individual's immediate family or business  
217 with which he is associated, anything of value, including, but not  
218 limited to, a gift, loan, political contribution, reward or promise of  
219 future employment based on any understanding that the vote, official  
220 action or judgment of the public employee or public official would be  
221 or had been influenced thereby.



222 (13) (A) No public employee or public official or member of the  
223 immediate family of a public employee or public official shall  
224 knowingly accept, directly or indirectly, any gift costing one hundred  
225 dollars or more in any calendar year from a public employee or public  
226 official who is under the supervision of such public employee or public  
227 official.

228 (B) No public employee or public official or member of the  
229 immediate family of a public employee or public official shall  
230 knowingly accept, directly or indirectly, any gift costing one hundred  
231 dollars or more in any calendar year from a public employee or public  
232 official who is a supervisor of such public employee or public official.

233 (C) No public employee or public official shall knowingly give,  
234 directly or indirectly, any gift in violation of subparagraph (A) or (B) of  
235 this subdivision.

236 (14) No public employee or public official shall knowingly counsel,  
237 authorize or otherwise sanction action that violates any provision of  
238 this code.

239 Sec. 4. (NEW) (*Effective October 1, 2009*) Each code of ethical conduct  
240 adopted by a municipality pursuant to subsection (a) of section 2 of  
241 this act shall include the following or stricter provisions for such  
242 municipality's or district's paid consultants:

243 (1) No paid consultant of the municipality shall represent a private  
244 interest in any action or proceeding against the interest of the  
245 municipality which is in conflict with the performance of his or her  
246 duties as a consultant.

247 (2) No paid consultant may represent anyone other than the  
248 municipality concerning any matter in which he or she participated  
249 personally and substantially as a consultant to the municipality.

250 (3) No paid consultant shall disclose confidential information  
251 learned while performing his or her duties for the municipality nor

252 shall he or she use such information for the financial interests of  
253 himself or herself or others.

254       Sec. 5. (NEW) (*Effective October 1, 2009*) Each code of ethical conduct  
255 adopted by a municipality pursuant to subsection (a) of section 2 of  
256 this act shall include the following or stricter provisions for such  
257 municipality's or district's former public officials and public  
258 employees:

259       (1) No former public employee or public official shall appear for  
260 compensation before any municipal board or agency in which he or  
261 she was formerly employed at any time within a period of one year  
262 after termination of his or her service with the municipality.

263       (2) No former public employee or public official shall represent  
264 anyone other than the municipality concerning any particular matter  
265 in which he or she participated personally and substantially while in  
266 municipal service.

267       (3) No former public employee or public official shall disclose or use  
268 confidential information acquired in the course of and by reason of his  
269 or her official duties, for financial gain for himself or herself or others.

270       (4) No former public employee or public official who participated  
271 substantially in the negotiation or award of a municipal contract  
272 obliging the municipality to pay an amount of twenty-five thousand  
273 dollars or more, or who supervised the negotiation or award of such  
274 contract shall accept employment with a party to the contract other  
275 than the municipality for a period of one year after such contract is  
276 signed.

277       Sec. 6. (NEW) (*Effective October 1, 2009*) (a) Not later than January 15,  
278 2011, each municipality shall submit a notice to the Office of State  
279 Ethics stating whether the municipality has complied with the  
280 requirements of section 2 of this act. Such notice shall include a copy of  
281 such municipality's code of ethical conduct.

282 (b) Not later than March 1, 2011, the Office of State Ethics shall  
283 submit a report, in accordance with the provisions of section 11-4a of  
284 the general statutes, to the joint standing committee of the General  
285 Assembly having cognizance of matters relating to ethics. Such report  
286 shall (1) indicate the status of the compliance of each municipality with  
287 the requirements of section 2 of this act, and (2) if any municipality has  
288 not complied with any such requirement, make recommendations for  
289 securing such compliance, including, but not limited to, proposed  
290 legislation.

291 Sec. 7. Subdivision (10) of subsection (b) of section 7-148 of the  
292 general statutes is repealed and the following is substituted in lieu  
293 thereof (*Effective October 1, 2009*):

294 (10) (A) Make all lawful regulations and ordinances in furtherance  
295 of any general powers as enumerated in this section, and prescribe  
296 penalties for the violation of the same not to exceed two hundred fifty  
297 dollars, unless otherwise specifically provided by the general statutes.  
298 Such regulations and ordinances may be enforced by citations issued  
299 by designated municipal officers or employees, provided the  
300 regulations and ordinances have been designated specifically by the  
301 municipality for enforcement by citation in the same manner in which  
302 they were adopted and the designated municipal officers or employees  
303 issue a written warning providing notice of the specific violation  
304 before issuing the citation;

305 [(B) Adopt a code of ethical conduct;]

306 [(C)] (B) Establish and maintain free legal aid bureaus;

307 [(D)] (C) Perform data processing and related administrative  
308 computer services for a fee for another municipality;

309 [(E)] (D) Adopt the model ordinance concerning a municipal  
310 freedom of information advisory board created under subsection (f) of  
311 section 1-205 and establish a municipal freedom of information

312 advisory board as provided by said ordinance and said section.

313 Sec. 8. Section 7-148h of the general statutes is repealed and the  
314 following is substituted in lieu thereof (*Effective October 1, 2009*):

315 [(a)] Any town, city, district, as defined in section 7-324, or borough  
316 may, by charter provision or ordinance, establish a board, commission,  
317 council, committee or other agency to investigate allegations of  
318 unethical conduct, corrupting influence or illegal activities levied  
319 against any official, officer or employee of such town, city, district or  
320 borough. The provisions of subsections (a) to (e), inclusive, of section  
321 1-82a shall apply to allegations before any such agency of such  
322 conduct, influence or activities, to an investigation of such allegations  
323 conducted prior to a probable cause finding, and to a finding of  
324 probable cause or no probable cause. Any board, commission, council,  
325 committee or other agency established pursuant to this section may  
326 issue subpoenas or subpoenas duces tecum, enforceable upon  
327 application to the Superior Court, to compel the attendance of persons  
328 at hearings and the production of books, documents, records and  
329 papers.

330 [(b)] Notwithstanding the provisions of any special act, municipal  
331 charter or ordinance to the contrary, an elected official of any town,  
332 city, district or borough that has established a board, commission,  
333 council, committee or other agency under subsection (a) of this section,  
334 has an interest that is in substantial conflict with the proper discharge  
335 of the official's duties or employment in the public interest and of the  
336 official's responsibilities as prescribed by the laws of this state, if the  
337 official has reason to believe or expect that the official, the official's  
338 spouse or dependent child, or a business with which he is associated,  
339 as defined in section 1-79, will derive a direct monetary gain or suffer a  
340 direct monetary loss, as the case may be, by reason of the official's  
341 official activity. Any such elected official does not have an interest that  
342 is in substantial conflict with the proper discharge of the official's  
343 duties in the public interest and of the official's responsibilities as

344 prescribed by the laws of this state, if any benefit or detriment accrues  
345 to the official, the official's spouse or dependent child, or a business  
346 with which he, his spouse or such dependent child is associated as a  
347 member of a profession, occupation or group to no greater extent than  
348 to any other member of such profession, occupation or group. Any  
349 such elected official who has a substantial conflict may not take official  
350 action on the matter.]

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2009</i>	New section
Sec. 2	<i>October 1, 2009</i>	New section
Sec. 3	<i>October 1, 2009</i>	New section
Sec. 4	<i>October 1, 2009</i>	New section
Sec. 5	<i>October 1, 2009</i>	New section
Sec. 6	<i>October 1, 2009</i>	New section
Sec. 7	<i>October 1, 2009</i>	7-148(b)(10)
Sec. 8	<i>October 1, 2009</i>	7-148h

***Statement of Purpose:***

To require each municipality, by a date certain, to adopt a code of ethics that contains certain minimum standards.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*